TORONTO – ALAC Executive Committee
Friday, October 19, 2012 – 10:00 to 12:00
ICANN - Toronto, Canada

OLIVIER CRÉPIN-LEBLOND: Ladies and gentlemen if we could start, please. Ladies and gentlemen could you please take your seats? We will start shortly.

MATT ASHTIANI: Welcome everyone to the Executive Committee meeting on the 19th of October 2012. Please remember to state your names before you speak, and please remember to speak at a reasonable rate for our interpreters. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Matt. With us today we have – well first we have a bit more time than we thought because the review of the Toronto action items has already been partly done yesterday. We'll just have to rubber stamp them I guess. But with us we have David Olive, the Vice President for Policy Development; welcome David. In this session as you know is a session where we're a little bit more informal than usual in being able to fire any kinds of questions at ICANN top management.

And you are therefore sitting in what we call the skillet, the grilling session is about to begin. So David, thank you very much for joining us, and perhaps the first thing we should really find out a little bit is with the changes at ICANN that we've heard about all week, if you could just tell us a bit about your responsibilities and how things are likely to

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progress. And I leave it then very open and you can continue with any subjects which we would like to bring up. David the floor is yours.

DAVID OLIVE: Olivier, thank you very much and thank you for the opportunity to be able to discuss our policy development issues with you. And you of course are part of the process, and so I thank you for this time. In terms of the management changes which you saw explained to you at the opening session on Monday by Fadi, indeed he has created a leadership team where the policy development group is part of that team. We were always a central part I think; the policy development process and facilitation at ICANN, but it's a recognition of the work of some of the people you see here who are part of that policy development support team and the other activities we do to facilitate the work of the supporting organizations and the advisory committees.

In addition to that, Fadi expanded the Executive Team to include those people who are running the major elements of our support groups within ICANN. And to that extent, that is, I'm happy to say, the reason that Heidi is on that Executive Team because of her role in directing the policy development support team for At-Large. If you noticed the list we have the similar situation of team leaders for the GNSO and others, ccNSO and the like who are on that team because those are the key members of my staff who are working on the day to day operations, and it's a recognition of their work by the new CEO and the leadership team.

So I am very pleased that that's a part of that. you know they're hard working and you know that they're supporting you and that's another way to make sure that there's a better cooperation within those

executive teams and a sharing of responsibilities as well. So that really is the elements of that organizational change as described by Fadi. I am honored to be heading the policy team but I think it's a recognition of their hard work and I'm happy to accept that on behalf of them, and we'll work hard for the challenges we face going forward.

Just to talk about the policy development team, we support the GNSO and have team members to do that; obviously the ccNSO and the advisory groups; At-Large is one of course, the Root Zone Server Advisory Group, the RSAC, and the Security, Stability and Reliability Committee or the SSAC, the ASO we also support. And so to that extent our team is divided with those various working groups and developments there in support of our policy development process, and our mission is to support those groups for those inputs.

To that extent, we would like to bring to your attention, as I passed around to you our monthly update. This is a very good source of keeping informed about the various activities within the SOs and the ACs and particularly the policy development matters within the supporting organizations. We have a subscription of 4000, over 4000 people receive this on a monthly basis, in addition to circulating in through our networks and you get it that way as well if you're not on the subscription list. The Board gets it and all the SO AC leaders also receive it in addition to the subscription.

And we think it's a pretty good way to keep track of things. And we also note we report on the ALAC activities as well. And in that regard, we will, on next month's report include a short article with the links to your White Paper that you recently presented, so that people will have

greater knowledge of what's in that and we look forward to having that showcased in our next monthly edition.

With that I'd also like to thank the At-Large community for their inputs into the policy process. Policy, as you know, is made at ICANN through the supporting organization, influenced and input by the advisory councils as well as our general community. And that element of At-Large's view and inputs are reflected in your statements, that I now see are quite extensive. But it's relating to many of the issues that are before the supporting organizations as they're working way through the formal policy development process for possible recommendations to the Board of Directors.

And so to that extent, thank you for all that good work. Those inputs are taken, at least within the cc and the GNSO context within their various issue reports noted the views are there and we appreciate that level of input. And finally, I would just like to point out some of my concerns going forward and your White Paper was I think a very good statement of what we should be looking at going forward.

To that extent I am looking at indeed how we can get the GAC more involved more intricately into our systems and into the process. I'm also looking at the impact of the new gTLD program on the structures and policies and processes of ICANN, and to that extent the work of the Structural Improvements Committee under the leadership of Ray Plzak but also Bertram's initiative is another good way, and I would hope that you would channel this paper, Jean-Jacques I know was there, channel those ideas again through that group because they will also be meeting in Beijing to continue the discussion.

And I think that's a very good way to keep the attention on these future oriented elements. So to that extent that's very good. In terms of the GAC, and I just would like to share with you I was asked to give a presentation about the policy development process as the Board/GAC committee is looking at early engagement in the process. And we showed them the various step by steps that we have within the GNSO and the ccNSO in particular, and somewhat of the ASO, in identifying elements and areas where they could be involved and have input.

You know this very well as we let known a start of a PDP or an issues report or a document in the process we try to put it in the monthly so that people know about it, we send it around to the SO AC lists and it's shared by the staff and the staff tries to make sure that everyone quickly gets a copy of the notice. And so to that extent we're trying to present this information and guide the GAC so that they can go their work, which is to identify the public policy implications or interests of various activities of the SOs and the ACs.

So with that, I think those are the issues that were keeping me very busy in addition to trying to visit all your other working groups, the 25 or 26 sessions here of the ALAC – 25; the others ones of the ccNSO, GNSO and others. It was a busy week but I think a productive week and my thought is that I've detected a wonderful attitude of working together and cooperating, and hopefully in that sense, we will be able to move the agenda of ICANN forward in that spirit. And that's what I hope to do, thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much David. Before I open the floor for questions, and I already see Rinalia having put her hand up, two comments. The first one I think that we're often tempted by mentioning the number of statements that we have issued, that the ALAC has issued and take this as a milestone and say "yes we issued 20 statements this month and last month it was 10 and the month before it was 5 OLIVIER CRÉPIN-LEBLOND:, so it sees a marked increase in ALAC activity".

And somehow whilst yes it's great to be able to release more statements, it's not the Alpha and the Omega of the ALACs work. The increased activity is one thing, but quality of output is equally, if not even more, important. And there have been calls in the community to reduce the number of statements that we send out, whilst at the same time focusing on some issues more and basically maybe focusing on other issues less.

So I'm a little worried sometimes when we continue seeing an increase in the number of statements that we send out because one day there will be less statements that we send out. So does that mean at that point our performance starts going down and we will be frowned upon and be told we've become lazy? So that's one, and I mean yes, it's great to see the increased activity as I said. The other comment was just one actually one on the report itself. Two small things, and I'm probably too fine in granularity, but the total policy update subscribers for the mailing list for the policy mailing list have very strange dates. I didn't think we were that far out.

40,787, 40,878, 900 – well just numbers. It might be a new code at ICANN to define months and days but it just didn't work out too well.

And I also noted with sheer disappointment that as far as At-Large is concerned our beautiful logo with radiance coming out of it is not included, whilst the ccNSO has brought their logo in the picture, the ASO as well. So we would like this cosmetic change to take place. And it's an Action Item. And I know it's not really so relevant, but there you go. It is relevant for the image of At-Large, and we do have a nice logo. Anyway, let's get on with the questions and so we have Rinalia, Evan, Oksana so start with Rinalia.

RINALIA ABDUL RAHIM: Thank you Mr. Chairman. Rinalia Abdul Rahim for the transcript. I have questions for David. The first one is about, well they're both about the policy brief for the GAC. In facilitating their participation – David.

DAVID OLIVE: Sorry.

RINALIA ABDUL RAHIM: Okay.

OLIVIER CRÉPIN-LEBLOND: And if Alan does not behave I will have to ask him to sit in the corner of the room facing the wall.

RINALIA ABDUL RAHIM: Right, that was the Chair, now Rinalia is continuing. David, I have two questions and they pertain to the policy brief or assistance that the policy team is providing to facilitate GAC early engagement in GNSO

policy development and possibly ccNSO; I'm not sure about the latter part. And I understand that this policy brief will include a highlight of issues relevant to public policy that would draw the governments attention on what's implicated. And the first question is, would this policy brief be open to other communities to see or access.

The second question is, would it be a stretch if you were to expand that analysis or highlight of issues to include issues to pertinent to end users. Because then that could be valuable to our community and we could see if there is a common interest between the GAC and At-Large that would facilitate our collaboration. Thank you.

OLIVIER CRÉPIN-LEBLOND: David.

DAVID OLIVE: Thank you Rinalia. In terms of the information of the GAC, basically what we're going to be doing is keying from the policy monthly update. We would show them the various status of the formal policy development processes in place where they are at what stages.   The purpose of that is information. The policy staff or ICANN staff does not inform the GAC as to what their role should be, and that is that identification of public policy interest or implications.

That's their role to identify.   We're just telling them what's being developed by the various supporting organizations so that they know the process. And if they wanted to input into the process they could do so. Within the ccNSO they have a more formalized notification system from the Chair of the ccNSO to the Chair of the GAC at a certain stage of

their development asking them for input. The GNSO doesn't have a formalized process but the GNSO reaches out to all the communities and supporting and advisory committees to inform them and solicit their inputs.

And so to that extent that will be the report to that. As to expanding it, that really depends on the various working groups. Their focus is on a particular policy issue, transfer policy or Thick WHOIS or something like that, and to the extent that they are just working on those issues, the inputs from the ALAC as to what the end user, that could be a good input for the At-Large to ask those things when policy development requests are coming for public input.

So to that extent, that would really depend on the working groups activities and they focus on what is the issues in their charter for the scope of their purpose.

OLIVIER CRÉPIN-LEBLOND: Thank you David. Next we have Evan.

EVAN LEIBOVITCH: Hi there. I just want to expand on the topic that Olivier was bringing up, and that is the nature and the volume of what we do. As a point of comparison you have the GAC, which releases one statement at every meeting, but it's very concentrated, it's very deliberative and it carries a lot of weight. As opposed to what ALAC does where we give a lot of stuff and part of the frustration is sometimes it feels like it's going into a black hole. When the question came up of the whole consultation on public input that's going on right now, one of the inputs was how we

give comment is less of a critical issue to us then if we know what happens to it once it goes over the wall.

So I'm wondering if you could give a couple of minutes to that, and also maybe some personal opinions on your thought about lots of small comments as opposed to perhaps concentrating on fewer topics but being more weightier and more detailed and deeper about them. Thanks.

DAVID OLIVE: Thank you Evan. That's a good point, good question. My first reaction is I actually don't want to inhibit or limit the inputs that ALAC would like to give in the various public comment forum topics that are presented every month and the like. I think to that extent at one level that is very much appreciated and noted. Though one could distinguish between commenting on another advisory committees report, versus an ongoing PDP process that may result in some sort of new policy action by the Board. That could be a distinction.

And how one can do that is one surely could maybe within the ICANN meetings you were to then take and restate with the focus on the PDPs those opinions of At-Large as a way to emphasize. So granted a month ago you commented on something that was going on in the GNSO, you could maybe collect that and show your comments to the GNSO and ccNSO as a way of highlighting those.

EVAN LEIBOVITCH: The reason I'm asking that is also though because our scope is also broader than the SOs. So for instance one of the things that was

mentioned at the public comment period was about the URS, not only from a policy point of view but also from the way that was implemented. So you have implementation issues that are technically beyond the scope of the SOs, but are very much within our remit. And so I'm just, that's also an issue.

DAVID OLIVE: And that goes back to my first comment that I don't want to limit, because those inputs are looked at, incorporated and noted. Just the difference between what would be a policy development process versus an implementation process and those inputs are equally needed, and that's why I wouldn't want to discourage that. And you're right about those other elements. How best to do that; because they're needed in the time frame that they're asked, but at the same time there might be a way of restating it in a larger document similar to what the GAC does, though that's a different process for them, to draw attention to it at a meeting or to pass around or things like that at an ICANN meeting.

EVAN LEIBOVITCH: Sorry, I don't mean to harp on this but also could you just respond to the way that our input gets responded to. I mean to the extent that you've got a lot of volunteers working on a lot of stuff and if there's a perception that things just goes into a black hole and is barely even acknowledged in receipt. That becomes very difficult to sell back to the community as an inreach issue.

DAVID OLIVE: I've heard the comment on this, and I can only really go to the experience of the policy support teams work. For example in the GNSO when there are an issues report, and those are out for public comments as well, we try to link to any statements from the advisory committees as reference to that. And that is usually cited in the section of what do other people say about it.

And if we have a statement from the ALAC then we put that in. "ALAC said this statement and expressed in…" So in that iterative process that is how those statements are taken into account, and correct me Alan if I'm wrong on that, but the working groups and whatnot would look at and take in the public comments that came in as they're moving that process forward.

And I know in terms of the implementation side of the house they need and demand those public comments as they're looking at what best to do. So I don't, and as for the Board, I can't really speak for the Board though they do get the information and we try to restate and point out to the facts that they are doing this. And this is where you meeting with the Board is an important element to talk about; those issues that are important to draw to their attention and show them where you've been working on these things. That's another way of doing that.

Now we've talked in the past about how best to communicate all these statements to the Board in terms of as they come about or a collective in one source quarterly or something like that, and that's something you might want to consider as well; a periodic report detailing the comments of the At-Large that you might want to send to the Board.

EN

OLIVIER CRÉPIN-LEBLOND: Thank you very much David. And actually just regarding these, I've pursued a test of two different strategies. Last year, my first year of tenure, any statement that we sent to public comment period etc was carbon copied to the Board secretary for direct access by the Board. I don't know whether the Board received them or not. This year, since some of our members mentioned that maybe we shouldn't send so much to the Board since I did hear from the Board Chair that they did receive a lot of statements from us, we did not do that. Only a handful or those for whom the statement was intended directly to go to the Board were sent to the Board.

Which strategy, in your view, would have more impact? Because – I'm asking this from David. As seen from – well from us we've tried both strategies and neither appeared to work, so this is something we might ask Steve, but I would also like to see on the staff side of things. I don't know what happens to our statements – do they go on a Wiki, do they go on an internal, do they get sent to a mailing list which apparently receives hundreds of emails a day and therefore ends up in the junk box? If you'd be able to shed some light over that that would be helpful.

DAVID OLIVE: In terms of any comment within the public comment process that's received from the At-Large community, obviously there's an immediate end user of somebody running a PDP or wanting to that that information and input for the work they're doing. Now that's not always a Board decision. That's not always Board work. If we look at the PDP process within the ccNSO or the GNSO the process takes some

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time as a developing consensus and the Board is not looking at those individual steps, they're waiting to see consensus.

So to that extent they would understand and acknowledge that it's good to see that At-Large is part of that process and that's very good, but in the sense as advice to the Board they would say "well that will be put into the mix and we're glad that they're inputting it". So at the final decision the Board will ask "has everyone, all the SOs and ACs and others been consulted and how" and that is being listed now in the new Board procedures that would show this checklist.

In something that is more closer to a Board decision that ALAC wants to give, that should be sent to them before their Board meetings. in terms of the overload of information that we all receive that is a challenge. The Board books come like this, emails are huge, and that's why I'm kind of interested in this quarterly statement that would provide a one or two pager that would show the activities, a quick summary, from the work or just even links to that that they may be able to see and look at quickly as opposed to a 50 page document, which unless they have to make a decision on they prioritize their work too; they would not necessarily go there and so you need a little more headlines.

That's why I liked a monthly update style so they can quickly look at that; if they're interested in that they can click on it or they can get more information from it. But that Sebastien might be better to tell about how best to get the attention of the Board members.

EN

OLIVIER CRÉPIN-LEBLOND: At this moment in time I'll take questions only specifically on this subject so we don't break the flow. Oksana, is your question specifically on this subject? Okay, we'll go to you at the end of this session.

EVAN LEIBOVITCH: Sorry, I didn't mean to interrupt the flow of the queue but I just had an idea to bounce off of both of you based on what you've both been saying, and it's sort of a hybrid of the two approaches.

OLIVIER CRÉPIN-LEBLOND: Thank you Evan. No, it's just Oksana had put her hand up so I had her in the queue, but if it's not related to this subject I was asking Oksana if we could put her at the end of the queue and continue. I do have Alan and Evan. So let's go to Alan first and then back to you Evan.

ALAN GREENBERG: I'm one of those annoying people who said send less things to the Board. I had talked to some Board members and I think that was good advice and I think we need to continue following it. In general the only statements that we send to the Board, that I'm aware of that in discussion we explicitly say "this is advice to the Board" are either in response to decisions they are about to make or waving a red flag that it's something that they're not doing that they should be doing.

And I don't know how many of them there have been in the last year; I don't think there's that many. It would be interesting if we had a nice collection of those in a single place. I don't know if we do or not.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. We have all of our correspondence published in one single place. I'm just trying to think, the correspondence page theoretically should be able to select this. However, because it's been misfiled over the years, at the moment the filters which we have at the top of the correspondence page – if we can up to the top – classification, entity, and region – those are not really working too well. So when we will be updating this we could actually have classification with Board.

And so having a tag in our paperwork that will then let us show everything that we send to the Board will probably be the way forward. Okay back to you Evan.

EVAN LEIBOVITCH: I was going to suggest an approach, or bounce an idea off you that's a bit of a hybrid between some of the various things we've been seeing. Now there's usually one Board meeting that happens in between the ICANN meetings; is that usually the case. So we can assume let's say six Board meetings per year outside of emergency ones? Okay, so rather than quarterly, maybe the idea is having as part of the Board materials in preparation for each Board meeting. We say "here's a compendium of what ALAC has produced since the last report of this kind".

So six times a year a document is sent to the Board, or a link is sent to the Board saying "here's what ALAC has produced", and it's grouped by reaction to SO work and other materials. And that way if it's done that way then the Board can look at it and say "here's the things relevant to what we're talking about; here's things relevant to where about to

weigh in on some of the work that the SO is coming, but here's a heads up on the At-Large point of view" if that's so desired.

So rather than "here's an email for every single statement that ALAC does" 40 odd or whatever per year or just doing nothing and sending it through the regular PCP, of perhaps putting a summary of something as part of the Board materials in advance of each meeting; just a thought. So it's a variation on your quarterly but it's more relevant to the Boards timetable. Thanks.

DAVID OLIVE: Well I think that, and the real test would be when you're talking to Steve Crocker what he says about that and you can then adjust and decide how best to present your materials to them, but it would be interesting to hear what Steve Crocker thinks. Because Alan is right that it's the huge amount of information they get and especially in preparation for ICANN meetings it's even larger than the intercessional types of Board meetings because it's less of a demand, if you will.

OLIVIER CRÉPIN-LEBLOND: Thank you very much David. Just focusing on this, the reason why I brought the matter up was to do with the process as to what resources do the Board have in front of them. When sending a statement to the Board secretary does this get sent to the Board mailing list automatically, does this get filed in a Wiki, does it get filed in an archive database, does it get filed so that a Board member could check on that specific subject and immediately have access to the ALAC point of view. And that's more of a procedural thing that I think that Steve will be

more likely to tell us what he prefers as far as the advice is concerned, but on the procedure. Could you expand a little bit on this please?

DAVID OLIVE: I don't know how further it's distributed once it goes to the Board support, to Diane basically. And I know they have their own kind of Board Advantage, which is kind of the e-briefing book if you will, where they have access and links to the material and it's organized by the various committees and the issues that they're dealing with. So that's probably an area where it can be placed in their, if you will, electronic briefing page.

OLIVIER CRÉPIN-LEBLOND: Okay thank you. Next is Jean-Jacques Subrenat – oh no it was back to Evan, but let's go for Jean-Jacques.

JEAN-JACQUES SUBRENAT: This is Jean-Jacques. A case in point, if the Chair of ALAC sends you a document, let's say making ICANN responsive, relevant and something else R3, as a letter to the Chair of the Board and with the indication that it is ALAC advice, so is this treated differently from the rest, and how.

DAVID OLIVE: That's a good question for Steve Crocker, but I would think that this is not part of a regular public comment process. This is being directed to the Chair as a special report, a White Paper that you've gotten. And likely Steve Crocker would probably put that on the Board list saying "I've received this communication from At-Large and this White Paper

and I encourage you to read it". Usually that's what he does. I mean when I use to, we regularized the process, but I used to send the monthly update to him and he would do that, and he said "well let's regularize that process so it goes automatically" and this type of thing.

JEAN-JACQUES SUBRENAT: This is Jean-Jacques just to follow up. I'm bringing this up because I think that is in a way the most visible contribution of an SO, at least of ALAC. It is when it is accompanied by a letter from Chair to Chair, you confirmed that.

DAVID OLIVE: Well yes I would think so. It's just not "for your information" it's more directed to you Chair.

OLIVIER CRÉPIN-LEBLOND: Thank you Jean-Jacques and thank you David. Am I not speaking loudly? That's strange I'm usually very chirpy. We still have Oksana in the queue, so Oksana you have the floor.

OKSANA PRYKHODKO: Thank you Mr. Chair, Oksana Prykhodko. My question also is related to what we discussed about the [very practical] sphere. We discussed a lot this week Visa problems and I'm very happy to see first practical results. For example a travel constituency just now began process of preparation to Beijing Visa problems. But what else can be done in what way? Whom do we have to address with dealing with current problems and with future challenges, thank you.

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OLIVIER CRÉPIN-LEBLOND: Thank you Oksana. David?

DAVID OLIVE: Good question because we normally deal with the challenge of the day and the issue of the day and inputs for that. And so in that sense it's very good and refreshing to have the broader view, the look up from your work and say "ah what else is there, what else is happening, where should be go". And that's why I like the White Paper of ALAC because it allowed us to take a look at that. The SOs are kind of so focused on priority projects that they have and in the deadlines that they have and the pressures that they have that there's not much time left for, if you will, strategic planning.

But they try; they try to do that. And to that extent the more we can remind them that that's a good thing. And I think that in this process of both the ATRT recommendation six that Bruce Tonkin's session on Monday of last week talked about, how else do we get information to the Board if it's not by public comment. That is one focus of looking forward as well as Bertram's exercise and focus on the impact of the new gTLDs on us.

That's kind of in a sense, it's interesting new gTLDs surely, but we're looking at what are the future challenges coming our way, not only from new entrance into the ICANN system but new issues into the ICANN system. And so to that extent there are these two tracks that I think are important focuses by the Board members and we should follow those and be involved with them.

OLIVIER CRÉPIN-LEBLOND: Thank you David, next is Evan.

EVAN LEIBOVITCH: Sorry, just to follow up on that in terms of the solicitation of how a public comment comes in. I think one of the frustrating things that we have is because there's such a huge pyramid below us, in terms of not only ALAC but also the RALOs the ALSes and the ALS members beneath them. So trying to get through a process that both works top down in getting the information out in a digestible method, and getting that response back has both a timing issue and also a process issue.

It's sort of been almost in rumor form, sort of brought back that there's some people that think well if something isn't said at the public comment period – sorry, if something isn't said at the public forum well it's not necessarily a priority issue. Whereas we have some times an iterative process that almost always results in a written statement because of the nature of the consultation.

So I just hope that's kept in mind in terms of everything, that yes there's a public forum and yes it's important, but it's always biased towards what I'll call the usual suspects. In terms of hearing from the same people about the same interest meanwhile we're trying in outreach to bring in new people all the time. But the only people – I'm not going to presuppose we speak for the billions, but at least we speak for as many people as we can reach through our ALSes.

And even doing that becomes a very difficult thing, first to get new people on, in order to bring that forward, doing it through the public

forum process doesn't always work and it's not always capable. And in fact even the ability to respond nimbly to things that happen this week, if you want to be totally consultative, is almost impossible.   So sometimes – we had a situation this week where somebody went to speak at a group and they said "well do you represent all of ALAC? Where's the proof of your vote? Where's the proof that you did the consultation?"

And if it's not considered to be complete, well then somehow that means it's less important or it's discarded.   We really have that challenge and I just hope that can be kept in mind as this solicitation of comment is being pondered.

DAVID OLIVE: May I?

OLIVIER CRÉPIN-LEBLOND: Yes David, go ahead.

DAVID OLIVE: I mean I'm glad you brought that up because I view the way you collect public comments within ALAC through the RALOs and through your networks and then kind of have that certification if you will that that's what we've done, I thought that was a very rigorous and effective way and should stand up that attention of "who do you represent". Because it's not just an opinion. You put it through a process that ensures that it has taken all the opinions that you have within your networks and presented it in a summary fashion.

EVAN LEIBOVITCH: And yet here we are this week sometimes having to respond to things that we hear this week in the course of seven days and say something at the public forum. Obviously that level of iteration and communication just isn't possible.

OLIVIER CRÉPIN-LEBLOND: Thank you Evan. In fact, touching on the issue of public comments, and I know the Public Participation Committee, the Board PPC has worked on this. I remember that in Prague there were several sessions speaking about the public comment period discussing this, the length of it, but also the timing in which the community was asked to comment. I think you were present in a number of the sessions. It seemed to be quite clear that a blackout period was required before an ICANN meeting, because people are just 1 – traveling; 2 – preparing an enormous amount for this meeting, to a blackout period after an ICANN meeting because everyone is so wasted.

And three a blackout period during an ICANN meeting because everyone is in a tunnel and doesn't see what is around them. And fortunately much to my dismay this appears to have gone directly into the famous black hole that we're very well knowledgeable about. And we therefore have ended up with at least a dozen public comments ending this week, today, tomorrow, the day after when we know that there will not even be any staff to neither file nor read the comments themselves with dates which have been taken up as entirely proprietary I guess and just pulled out of a hat. Very disappointing; what are you going to do about that?

DAVID OLIVE: It's not that we did not hear those comments, we did. ICANN is a large, complex organization and we're going to try to sort that out. The blackout periods have to be carefully looked at. What we surely did not want to do is ending a comment period during an ICANN meeting, but to alert people to it even if it's before the ICANN meeting starts or even during the ICANN meeting if the end date is 21 days or more beyond the end of the meeting. That's just something for the calendar and it doesn't require immediate action at that time. Though I understand processes start.

So we're still looking at and examining that very closely and there will be a review for the one-year period of this new process to see and determine through the PPC that the changes we have; we had to be careful of starting something that interferes with a lot of other intermoving parts within ICANN. So I'm sorry to say but we were cautious so that we wouldn't hinder or block or cause a problem for the processes that are under their timetables.

We're sensitive to the fact that we have to have some sort of blackout period, and much of that is not of course staff controlled. If a working group says this is not ready, go forth, it's hard for us to say ah stop we got to wait three weeks. But until we get those rules set forth and we'll take that into account we'll try to be sensitive to the community's time and the time that they need to take to have effective comments.

OLIVIER CRÉPIN-LEBLOND: Thank you David. Do you feel roasted enough yet, or a bit more?

DAVID OLIVE: Not quite Joan of Arc but I'm okay.

OLIVIER CRÉPIN-LEBLOND: We still have a question from Alan and then afterwards I think we can probably move on and we'll release you from your shackles.

ALAN GREENBERG: A very quick comment on comment periods. When we started discussing that a while ago it wasn't just they don't start or end during ICANN, it was the ICANN days don't count. Because although we do happen to meet with our constituents on occasion at least the GNSO have an opportunity to meet within stakeholder groups constituencies we in general do not. And in fact, even teleconferences that might have happened during ICANN probably don't even happen.

So making the days disappear – now giving that you've now elongated the minimum period to 42 days, adding an extra seven or eight or ten days is problematic I understand. But it needs to be thought about. We have a huge number of comments that end within three or four days now and some of us are not going to work for the next three or four days, if you want us to live past that period.

Regarding the question that Evan raised about whether our comments are in fact representative and have we done due diligence, I think we have a dual problem. Both these problems were created for us and I think we need to all work together diligently to try to fix it. The problems are number one, we have a structure which is hierarchal,

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there's a level of expectation that we are consulting all the way down to the ALSes and the ALS members are feeding their input back. On the arcane subjects that ICANN talks about in general that is – I won't use the word I would have used in a private meeting that isn't being recorded, but it's unrealistic.

So we have a set of expectations that just cannot happen. One has suggested that perhaps the At-Large structure was set up to make sure it failed because one couldn't come up, I couldn't dream of one which was less likely to work. And linked to that is the terms "we represent users"; I've said it at this meeting several times, I'll say it now. I rarely send out one and a half billion emails and read all the responses. If I had I would probably be put in jail for spamming people.

We don't represent the users. We represent the interest of the users, and that's all we can ever do. And I'm on a campaign to stop using words which set expectations which are impossible to meet. So yes we need to get better consultation within the ALS RALO structure, as long as we're stuck with it. We need to do better, we don't do very well. But we need to set reasonable expectations and the current words including in the Bylaws I believe are not setting reasonable expectations. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Alan, and David thank you for joining us. It's been a very frank and interesting debate with you. Any last words before we press the eject button? Oh Alan of course would have to delay us, Alan.

ALAN GREENBERG: These are my last words. I want to really thank David. It is an absolute pleasure working with him and I won't say it's such a change from previous people, because that reflects negatively, but David you're doing a marvelous job. Thank you.

OLIVIER CRÉPIN-LEBLOND: And therefore I think a round of applause.

DAVID OLIVE: Thank you. And I think I just would like to say that we talked earlier about the possibility of focusing on particular policy issues under consideration to do a special webinar for the At-Large and there just is a scheduling problem. But the real force in leadership is not behind me and I'll let him take this hot seat. Thank you very much for your time and attention.

OLIVIER CRÉPIN-LEBLOND: Thank you David. And now joining us we have the Chair of the Board, Steve Crocker who is joining us. And this is the first time that Steve joins us on our ExCom Post AGM session and post-closing of the meeting session. So effectively this is already starting the session after the closure of the meeting. And this came up by a discussion we had earlier this week where Steve was not aware that we had such a session and the challenge of being able to survive the questions and missiles and other things fired at you was something that caught his, well he was interested in.

So Steve, welcome. Thank you very much for joining us. It's a recorded session; it's transcribed as well, just so we set the rules. But here we have a more informal session than throughout the week and we are very thankful that you have managed to come and see us. Already several questions were fired at David who has managed to escape, but we now have the floor over to you. Maybe I should let you start with a few introductions on what's been going on this week and then I'll open the floor for questions.

STEVE CROCKER: I'll just say thank you very much. It's a pleasure to be here. I may well speak to it afterwards, but at the moment it feels like a pleasure to be here. So I'm here for you, whatever you want to discuss I'm wide open. The week's been an extraordinarily successful week, great teamwork. We were extremely fortunate with Fadi and the way he stepped into take over the staff and the changes that he's made and the perceptions that he's brought. He really does see what's going on and is instinct in wherever there's a problem internally is to grab a hold of it and deal with it in a positive but firm way.

And his instinct in how to deal with anything that involves external parties is to embrace, to lean into it as opposed to distance himself or distance the organization. So it's been remarkable. And the Board is working well and it's been kind of a pleasure to be boosters and observers. I have the mental image of getting out of the pit or out of the kitchen and getting up to the balcony and watching the show. It's a good time. There will be challenges ahead, but it's been nice.

I've made a practice not quite uniform in my role as Chair of the Board. The org chart says that the SOs and ACs are connected to the Board not directly to the staff, that the staff has supporting roles but in terms of the formal structure. So taking that as something to pay attention to, I've tried to open a pathway for communication. So Olivier and I have been having breakfast together early in the morning – shhhhh – I won't say exactly when or where but we do.

So it's not a substitute for anything but it's helpful to share perceptions and it help me for sure and to the extent that I can be helpful I'm happy to do that. And I try to do that with others, but started actually first with Olivier and it's been a nice practice, it's been enjoyable I think for both of us.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. And just for your information the members of the Executive Committee are Carlton Samuels, Rinalia Abdul Rahim, Tijani Ben Jemaa and Evan Leibovitch. Others around the table are invited as observers, it's a very open session, so they're also very welcome to ask questions. We had a discussion a bit earlier with David Olive with regards to the Board response to the statements that the ALAC makes.

And not all statements of course are sent to the Board; some of them are, some of them are not. But there's no real set way in which the Board has or has not got to respond to the ALAC, and also in the way that the Board treats ALAC advice. I thought perhaps to expand on this question I would provide the gun to Evan Leibovitch to fire first salvo.

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EVAN LEIBOVITCH: This is Canada; I wouldn't really want to use that kind of terminology up here. Having said that, I think there's a couple of issues that are on the go. Some of them date back quite a way and they have to do with the way that ALAC information is transmitted to the Board. And one case that stands in my mid very, very well is the Joint Applicant Support Group.

Is that we had information about how we wanted to do a proposal of applicant support. And there seemed to be, at least in my mind and in the minds of other people in the group and Tijani you can correct me or back me up, that the presentation that was made to the Board didn't necessarily reflect the work within the group. And part of the problem is that we don't know what we don't know.

We don't know what filter was given to our work before it was presented to the Board, because we never saw what the Board received on our behalf.

STEVE CROCKER: Who did the presentation? I don't recall.

EVAN LEIBOVITCH: I'm pretty sure it was Kurt in Trondheim.

STEVE CROCKER: And so more broadly it came through staff?

EVAN LEIBOVITCH: Correct. And even just having some kind of transparency so we can see the staff presentation. Not so that we can vet it and edit it and whatever, but just so that we can be aware that it accurately portrays the information that we wanted the Board to see. So there's a feel of a disjoint. So rather than ALAC and JAS in fact was a cross-community group, rather than having the information from that group go to the Board, there was a feeling that there was a filter being applied, and Tijani can speak to that.

There's another point or two about the way that we give information to the Board and I don't know if you want to exhaust this one before I move into the black hole effect.

OLIVIER CRÉPIN-LEBLOND: Well let's first touch on this one. It's a problem that we have had in the past. Of course, one also has to acknowledge that since then there have been changes to the way the Board works and certainly the material which the Board has in its hand during its meetings is now published. So the community is able see at least some of the material that the Board has received.   And I think that was partly in response to a previous, I would say complaint that we had about this.   But perhaps, is there more that the Board can do so as to reassure us that what they're being told is what is being really said?

STEVE CROCKER: You've got my full attention on this and I'm putting a couple of thoughts together in my mind that I want to give a quite substantive and action

oriented response. But I have a feeling there's more to be said before I…

TIJANI BEN JEMAA: Thank you. For the JAS Working Group it seems that the Board don't read the reports of the JAS but read the paper prepared by the staff regarding this report. We discovered it later and it was what make us try to know what happened. It was the position of the Board in Trondheim, in the retreat of Trondheim. And then we discovered that the paper prepared by the staff didn't reflect at all the milestone report that we prepared by the JAS Working Group.

So, it's not a question, perhaps a quest. Is there a way to give us the format, the length, the way you want our report to be done so that you read them directly rather than the paper prepared by the staff?

STEVE CROCKER: You're far too differential and polite and I'm going to give you a pretty strong response because this touches a cord. And because I think this is very important and I want to emphasize it; I want to draw a slightly bigger picture. The Board is fully engaged at the moment in a discussion with the GAC about how GAC advice is to be formulated and dealt with and so forth. You may be watching or not, but all that is pretty visible.

Separately, I chaired the Security and Stability Advisory Committee for a number of years and when we were first organized one of the important issues on the minds of the initial set of people was what degree of independence they would have from the rest of the organization. And maybe on a personal note, when SSAC was organized there were a

number, most of the committee was recruited and then I was asked if I would Chair it.

So I inherited a well formed group. So I gave that a moment's thought. I said "Oh if I'm going to lead this group the first thing I better do is get their attention and approval that it's okay for me to be their leader. So I had an individual discussion, one on one with each of the people who were recruited. And they were all different and said different things, but there was one thing that got said over and over again, and these were independent things.

And the basic message that was common was "we think security is important. We don't mind or are willing to be part of it. We have great suspicion about ICANN as a political organization. We don't want to get too wound up in it, so we need this degree of independence and so forth." And so it was clear that we had to draw a line and make it clear, if only for our own sense of purpose and being that we were going to speak and speak what was on our mind.

And that it wasn't going to get filtered by anybody and that we would speak to the Board, because that's what it was, the formality, but we would also speak to the community. Out of that you will have seen a series of reports that are called SAC reports, they're labeled SAC and they have numbers and so forth. Those documents come out of that committee and are not controlled or written by staff. There is staff assistance and the staff assistance is enormously important because it's a bunch of volunteers versus having somebody.

But the content and the tone and the messages and the nuances are all worked over by the volunteers who are in that committee. While I was

chairing SSAC over a period of years and growing it from a disorganized and sort of intermittent operation to getting staff and getting them more orderly about it, I watched ALAC go through a similar process. And I found myself extremely impressed with the growth and the maturation process in ALAC.

And Cheryl and I used to compare notes and I found myself learning from some of the things that ALAC did. So we were in separate but somewhat parallel ways both going through this maturation process. And as I say, I viewed ALAC as a leader that I could learn from and so on. But I have labored to say all of that so that I can now say the following. You need to take control of your messages.

I would say straight out start your own document series, publish your documents and don't have any hesitancy to and put your stamp on it, put your label on it and be forthright about that. That's one big piece of what I want to say. I want to say another thing which is related but distinguishable.

I referred to the Board as grappling with the mechanics and processes associated with GAC advice. GAC advice is a term of art, it's embedded in the Bylaws and because it's the GAC it has a sort of different status and even if it didn't they think it does and so that has a certain reality to it. I think that the next step along the way for the Board and certainly the advisory committees and perhaps the SOs as well is the development of processes and procedures and practices that can take this process of providing advice and regularize it so that there's the answer to your question of what's the format, how do we do it is worked out and everybody knows what to do and document it.

And speaking from my position as the Chair of the Board, the Board, I'm pushing the Board very hard to develop practices and procedures and documents so that the business cycle of all of that is put in place; something that I've been a little unhappy about. One of the first things I said is we've got to document the Boards' processes and we have not yet succeeded in doing that. We have some lightweight memos but a Board procedures manual.

And I have avoided using the other "P" word, policies. I'm not suggesting anything having to do with policies. This is just the practical business of making sure we have good communication, that we know what to do. All the judgment and sensitive things, they're up there somewhere, but you've got to get the basics of the communication going back and forth. So I'm deeply empathetic with the anecdote that you described of staff presented your thoughts in ways that you think didn't capture it.

And I can tell you since I was there that on the receiving side, that we were not at all happy with what we got because it hastily prepared, it was presented without proper notice and put us in an awkward position of now what do we do with all that. And so it was equally unsatisfactory on the receiving side. It was a broken process. And that's the bad news. The good news is that it's trivial to fix. Not trivial, but it's easy to fix.

This conversation brings it up to the level of oh okay and now we know exactly what to do. So don't ask – it's sort of a variation of don't ask for permission, ask for forgiveness later. Do it. Write your reports. Get your, figure out how you want to present it. And our side absolutely we

will build a pathway in which we have a formal acknowledgment of receipt and which goes into a tracking process. We will allocate the resources to respond. We'll get staff help to do analysis. We'll get staff help to do other things. But what we will be very careful about is to make sure that we do not get the staff implicitly transforming what you're trying to say.

You may tell us things that are completely infeasible, that are wishful-ness. That's fine. We'll tell you that we're not going to do it. But what you don't want and what we don't want is for somebody in the middle to say let's do it this way and so forth, and have that all be sub rosa.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. Alan?

ALAN GREENBERG: Thank you. That comes to a very closely related subject. At one point, every ALAC output no matter how trivial a public comment it was, was sent to the Board. We got messages back real quick that they didn't really care about the things that were purely in an implementation phase and an interim phase and commenting on it.

STEVE CROCKER: How did you get such messages?

ALAN GREENBERG: Many Board members would tell us that one piece of paper, one three page document a week about a subject which wasn't anywhere near

what the Board was discussing but was simply an output that we sent into a public comment period for instance, was not necessarily of interest. Is that in fact not true? Has that changed? Because the rest of my…

STEVE CROCKER: So it's too general in some respects. It does remind me that there was something that I heard earlier that I wanted to flag. By the time something is in front of the Board for resolution, for a passing resolution, the process is that it's tail end. That's not the time at which, except under extraordinary circumstances, in which raising an issue and saying "you shouldn't be considering this" all of that should have been done ahead of time.

So it's another thing that I've been working on is to make sure that the interactions and discussions and the preparations that are all done well in advance of the time that's something is put on the formal agenda for the Board. And in the past we've had Board meetings, telephonic Board meetings often that have gone on for hours and when you dig back and found out why it's because somebody raised a new issue that should not have needed to be, that should have been dealt with earlier. And so we're off to the races in a detail discussion and meanwhile it's 3:00 a.m. for somebody around the world and we're having this late night discussion and it's really broken.

So I sort of put my foot down and said let's have those discussions earlier. If by the time it comes to the Board for resolution and we're not ready then we'll take it off the agenda and we'll just take whatever time it takes to have those discussions. How does that relate to the public

comment period? I don't know exactly. I'm not sure that having ALAC contribute to the public comment as if it's a general member of the public; there ought to be some substantial recognition for the structure and continuity and depth of the existence of this organization.

And the fact that by the time you prepare a comment it's not a single person, but it is a considered piece of judgment. That's not a promise that we'll do everything you say just because it's ALAC and you said it, but there ought to be, in my mind, something that raises the visibility of that. And I'm open to any mechanism that is mutually satisfactory. As I said, there's no reason why this has to be filtered through staff. There's no reason it has to be lost in the morass of everything else that goes on.

ALAN GREENBERG: Okay let me be clear because I think we're talking about different things. I was referring to if a GNSO working group or drafting team comes out with a preliminary version and asks the public what do you think about this the ALAC will often say we disagree with this direction or something like that. It's not a Board issue at that point, it's way, way, way below a Board issue. And at one point all of those documents were going to the Board.

STEVE CROCKER: Well going to the Board won't do much at that point. Maybe we'll get a copy maybe we won't. But the GNSO needs to pay attention. My recollection is that there is a Bylaw requirement for – it's related but maybe not [in equal] – the advisory committees have, for the GNSO the

statutory ability to trigger a policy development process if I recall correctly.

ALAN GREENBERG: Yes we do and we have. I'm talking way below that level. I'm talking something that may be really like you spelled a word wrong. At one point those documents were all going to the Board. We have now stopped and said things that are advice to the Board, either on a formal comment period or we think the Board is ignoring something which is important, those are the ones that are going to the Board now.

STEVE CROCKER: I think you guys are in the best position to look at the whole landscape and say "we need a mechanism to do the following, we need a different mechanism to do the following" – how do you engage with the GNSO, ccNSO, the GAC whatever. Not that you need to replicate the pattern that we did at SSAC but we identified three levels of documents – reports, advisories and comments and labeled things that way. And that was a system that we put in place as a way of expressing ourselves.

But I would recommend, and I know that you guys have the institutional strength now and organizational wherewithal to sit down and say if that's what we want to do we can just do this and we'll have a formal mechanism. And then if you're getting ignored go tap on somebody and say "we're working very hard to do our part, what is the problem". And if you're tapping on my shoulder with respect to the Board, we've had this interaction.

If you're concern is the GNSO is not paying attention to you or somebody else, and if they genuinely continue to not pay any attention then you can come separately, come chat with me and we'll get their attention.

ALAN GREENBERG: Yeah sure, that – just one more sentence. You've answered the question I was going to ask, I didn't get around to asking it. The real question was we have been regularly told don't send the Board big documents, people are not likely to read it; summarize things. But you're answer of let's divide them into different categories of advisories, reports, whatever, I think that may be the right answer. And that really addresses issues of length and focus too.

STEVE CROCKER: One of the cleanest worked examples recently is SSAC wrote a document commenting on the WHOIS Review Team report and raised some serious big questions and it's getting a lot of attention. It's not a one or two page document. If you're going to run a big document, write an executive summary and use the usual tools for making it efficient and understandable. But I wouldn't back away from saying whatever you want to say in whatever depth and with whatever force.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. We have a long queue but I was just going to jump into the queue by touching on something you have said just now and you've also mentioned it several times during the week, which is by the time the issue reaches the Board it should be at its tail end. The

discussions on policy issues generally today are centered around gTLD issues and take place in the GNSO and the GNSO Council. The ALAC is outside of that.   We are inside the process through some of our individual members that do – sorry, some of our members who individually work in working groups etc., but the policies themselves that the GNSO develops is something entirely GNSO centered.

And as an advisory committee we have very little else to do when the GNSO does the wrong thing, and I guess we could say that, or we believe the GNSO does the wrong thing then to come to you. And what happens then?   Essentially in one sentence, what happens when the community does not find consensus?

STEVE CROCKER: Yeah.   There's a key thing that I either don't know or I'm not remembering or whatever.   The GNSO thinks of itself as owning the policy process for gTLDs.   Others, quite obviously including ALAC but certainly others, think that they too should have a role in some of these things.   What I don't know but I think it's important and I apologize for not being have paid a lot of attention to this, what is that method of engagement.   And if there is a gulf that exists that should exist then it's time to have the discussion about reorganizing or about making some adjustment about who's allowed to come to the table.

Versions of that are already taking place.   The recognition that large numbers of new gTLDs are going to cause structural change of some sort is one avenue in.   But the more basic thing is who gets a seat at the table to have these discussions; who has to be listened to.   I don't have

a quick answer for you, but I do believe it's a vital question; not a small question at all.

OLIVIER CRÉPIN-LEBLOND: Rinalia.

RINALIA ABDUL RAHIM: Thank you Mr. Chairman, Rinalia Abdul Rahim for the transcript record. Steve I'd like to highlight an organizational dilemma, and it was touched upon in the questions that preceded my intervention, which is about staff influence in the processes of ICANN.   And the dilemma is this, in all organizations that are international, well any kind of organization, there is a fear of bureaucratic influence.   And this is established, it's been studied and it does exist.   In public policy they call it a budget maximizing bureaucrat, that's sort of like the orientation that they position themselves in.

Now in terms of trying to address the issue areas of ICANN, staff has a particular role. It sends out information. And in the GNSO, the policy development process is triggered by the preparation of an issues report and that is prepared by staff, as I understand it. Now that in itself could contain certain biases or not, I'm not going to discuss that here.   But anyone who understands the process will say okay it comes from staff but we take our own takes on that process and we will highlight the issues that we are concerned with.

Before you David Olive was here, and I asked him is it possible for staff to actually do some analysis for the At-Large, because I thought this was going to be done for GAC to facilitate their early engagement in the

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policy development process of the GNSO. Because I thought that this would accelerate or intensify or deepen our consultation with our community because the public comment period is so short and it's hard for us to go down to the regional level and up again with substantive comments.

So if we have something that could trigger that immediately then we could have our own take as a response, rather than take up volunteer energy which almost puts in full time work, and it's difficult. I just wanted to flag that. Thank you.

STEVE CROCKER: Yeah, so there's a nice clean line between Board and staff and I must not take the very attractive possibility of saying "yes we should do that" and start to give orders. But we can, we should transmit this message and ask that, to examine how best to support the model that you're putting forth, that there be an issue paper that supports ALAC and supports the engagement of the different layers and levels and regions and so forth.

Again, let me encourage you to lay out how you'd like things to work as if you have the authority and the privilege and stature to speak in those terms and it will be so. It is the advisory committees and the SOs that are the primary drivers and the staff is in a supporting position rather than a controlling position. It is intentionally different from a lot of the international organizations and yet as you say, and I fully agree and we can see examples, there is a natural tendency of staff to sort of take things on and put things in their own terms and drive things.

And we have the tension between having very, very good people, legitimately very good people in policy support department and throughout the rest of ICANN, and at the same time need to be vigilant about where the control points are, where the decisions are made, where those judgments are. I've had to deal with that from SSAC point of view in certain kinds of cases and I think that's just part of the overhead of dealing with people and dealing with organizational structures.

I wouldn't make too much of it but I wouldn't back away from the need to do it. So you guys are in charge, you are the equivalent of a major piece of – if this were a corporate environment you'd be one of the operational arms of it. And the Chair of ALAC is the equivalent of like a general manager or a vice president in a big organization and ought to command the authority, the respect, the resources and get things to work and put the pieces together.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. I think the dichotomy is one where as if staff is being criticized for influencing the advice that we provide to the Board. Staff could equally be criticized for influencing the issues that reach the ALAC if staff did any kind of pre-churning of issues. I see Rinalia is ready to jump.

RINALIA ABDUL RAHIM: Thank you Mr. Chairman. How do I say this? It is understood that when staff issues advice or reports that it comes with a particular point of view and it is up to the community to take a look at it with a grain of salt

and assess it in terms of whether or not it really pertains to our interest. I'm just saying that it is a starting point in which we can respond on the issues and we have to manage it somehow because it's not manageable at this point in time.

STEVE CROCKER: Let me say, particularly with staff present here, the staff is very earnest at trying to do the right job. They're not, it is not their picture of themselves that they're in charge and the rest of us are all in the way and we just are sort of an annoyance that has to be managed. So I think that if we reach the right balance here they will like it too. They really want the system to work. They want to do their portion of the job to be facilitating. And if there is an imbalance it could as easily reflect a vacuum which if you fill it they will fit into the mold that you design.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. I'll continue in the queue, or Heidi do you just wish to...?

HEIDI ULLRICH: Yeah just a comment, this is Heidi. Just a possibility of rather than doing AC specific policy advice, which again I am somewhat concerned that there will be, maybe not from the ALAC but from other community members, that there would be staff influence there, a bias. So I am proud of the fact that At-Large staff have been historically not accused of that. So one possible solution would be when a public comment is published, a key public comment or one that affects all ACs and SOs that

perhaps a webinar could be set up for all ACs and SOs to hear about how that policy, what the main points of that policy are etc.

OLIVIER CRÉPIN-LEBLOND: Thank you very much. Do you wish to continue on this? Okay Rianlia, back to you.

RINALIA ABDUL RAHIM: Thank you Mr. Chairman.   Heidi thank you that is a very good recommendation, but my point is, and I'm looking at the interest of the At-Large in particular is that I would like some research and analysis on the issues, particularly from the point of view of the end user community, which would help us in terms of figuring out how relevant it is. And okay it's fine if we have conflicting views in the community. All I'm saying is that I think it would really help in our consultation and in coming up with statements. Thank you.

HEIDI ULLRICH: Rinalia again, thank you; very valuable, but I think you are the community. You are the experts in how to represent the interest of the end user. So I'm happy to say we could work together on that and set up webinars, set up calls with particular people who are setting out that public comment or that policy issue. But we're not policy experts in terms of staff. And again just to stress that it's you, the community, the At-Large community that are the experts.

STEVE CROCKER: Let me recommend that you take a specific example, work through what happened versus what you would have liked to have happened if you're looking at past or for something coming up, how you'd like it handled versus the way it would appear to be handled, would appear going forward. I think one or two concrete examples will provide a basis for having the rest of this conversation, then find out in choosing how to restructure and build the right pathways and do all that. That we've reached the end of having enough information on the table that we can deal with in this setting. But the main takeaway ought to be that if this is broken it certainly needs to be fixed and that it shouldn't really be super hard because I think the basic orientation and posture is very much in line with what you want.

And so we then shift into how do we make it work and how do we make the assignments and rather than having to argue about whether it does and doesn't happen. And so it's just sort of remodel the house.

OLIVIER CRÉPIN-LEBLOND: Evan.

EVAN LEIBOVITCH: Given that there's a hard stop in five minutes maybe I should have said this first rather than last. I'm going to take it to a really high level, and at the risk of sounding a bit presumptuous I'd like to ask you how do we deal with something where the Board sends out a request to the community and we think it's asking the wrong question? This has happened twice recently on some things that are fairly important, and I made a note of two examples.

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One of which was the Red Cross/IOC issue on which ALAC is, with being presumptuous to speak, almost unanimously in saying that these things should have been split up and it as a real big mistake to lump them in together. And so this has tainted the way the GNSO looks at it and it's tainted the way we've been able to react. The other one was the request to create the consumer choice, trust, innovation or whatever that committee is called.

The request that came down from the Board to check those metrics and create those metrics constrained that committee in a way that the committee members said "we've got this little window to work in and measuring consumer choice and innovation outside the window is outside our scope so we won't even address it". From an At-Large point of view, or at the least the point of view that I had going into that committee, that constrains that to the point where it ends up being an exercise in self-justification as opposed to looking at a bigger picture.

And so is there a mechanism, when the Board asks something for the community that we go back and say could you have done the question a little better when you sent it to the community because sometimes the nature of the question biases the answer ahead of time.

STEVE CROCKER: Yes of course. So two things, the first thing, but not quite the most important, but the first thing that comes to mind is yes you can say and you should say if you feel it's appropriate "you are asking the wrong question"; the following is what's wrong with it. There's assumptions built in that are the wrong assumptions and take the time to lay out why

you think it's the wrong one, what the implicit assumptions or why the things that are put the way they are, are the wrong things.

The second thing, and I don't want this to get lost at all, is it's almost always the case and it's particularly the case in the first item – I don't remember what the details were behind the consumer choice and competition but I certainly know where the IOC and Red Cross question came from and you do too. This was a demand – sorry, advice from the GAC. And what we were doing, not quite as cleanly expressed as we will in the future, but what we were doing was cross checking the advice given to us with considerable emphasis by the GAC with inputs from the community on consequences and so forth.

So the second piece of what I want to say is, in looking at things that you think are the wrong things coming, and you may well want to blame the Board but you should also look behind that and understand where it came from and account for that as part of what you say. So to say the Board asked the wrong question about the Red Cross and the IOC I would say that you should, if you want to be effective, you should say "we recognize that this came from the GAC, and further we recognize that the GAC viewed these as the same, and further we recognize that the GAC said these were the same because they are treating these as a class of treaty cased organizations which are distinct from others".

I did a little White Board sketch trying to get up to speed on what all this stuff was about and there are international governmental organizations, IGOs, there are NGOs of a wide variety and so the question in my mind during this conversation was so what class are the Red Cross and the IOC. They're not intergovernmental organizations. They are NGOs but

they are special NGOs. So without wanting to have this term be socialized they were kind of like "super NGOs".

So we wound up with three classes – super NGOs, IGOs and regular NGOs. What you're suggesting is this small class that consists so far as I know of exactly two, namely the Red Cross and the IOC, you want to split further and say they're not the same and need to be treated differently. That's not an easy case to make given the context of what's happened. So if you're going to make the case you're going to have to account for the fact that that dialogue already took place, not just say we disagree.

EVAN LEIBOVITCH: I understand, it's just it put us in an awkward situation because it was an all or nothing. And that's what made it divisive. I don't think you'll find any disagreement here about the Red Cross, there was wide disagreement about the IOC.

STEVE CROCKER: As I say you're kind of welcome to say it and I would invite you to say it, but in order for you to be effective in that conversation you need to come up to the level of what the prior dialogue is and account for all that. And then you have a bit of a challenge to try to get the attention and cause a change of thinking there, which you may or may not succeed at. But in any case the minimum is to take all that into account, otherwise you run the risk of being dismissed out of hand for not having come up to speed on…

EVAN LEIBOVITCH: I understand the context with the proviso that by the time it gets to that level that we know what's going on with that it's probably too late to change the question.

STEVE CROCKER: Maybe, maybe not; a little hard to know. One of the reasons why we ask is to find out whether the picture that's in front of us is the right picture. We're doing due diligence when we ask that question. And we do want to actually hear that. As I said we didn't phrase it in exactly those terms; I'm working on that. The other side of it is the GAC says "why are you going asking all these people? We told you what the answer is. You turned it over to the GNSO for a policy development process, what does that make us, chopped liver? We told you what to do." And so we've got the other side of that to balance and we said "no, no we're not ignoring you, we're not starting a policy development process; we're just doing due diligence on understanding what it was". And so we need to straighten out sort of the tone of what we're asking and where it fits into the position.

But the reason why we ask is so that we're not just in the position of passing messages back and forth and not knowing what we're doing. And so if it's genuinely the case that the IOC ought to be treated different from the Red Cross, and I'm not taking a position on that, but I'm just saying if that's the point you want to make then make that point and put us in the position of having to make that judgment of coming back to the GAC and saying "well we'll give you one but not two" and all hell will break loose, but if that's the choice we have to make then maybe we'll do it.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. Realizing that we are about to get off from the internet etc. very soon, I'll have one last question or comment from Jean-Jacques Subrenat.

JEAN-JACQUES SUBRENAT: Thank you Olivier. I really appreciate the possibility of saying this as I'm not a member of the Executive Committee but I'm seated here. I'd like to make a general remark to Steve. I was on the Board, now I'm starting my second term of two years on the ALAC. That gives me a double vantage point or perspective on all of this. And I must say that we are entering a new season, to take the term which was used by Fadi. For instance the way the CEO was recruited, this was very ably done. I'm not sure that in a different atmosphere, the previous atmosphere, the previous Board and all that, before you became the Chair, it would have been possible. Because so many questions were approached in a contentious mood and you have created a sense of trust within the Board, I'm told, and also between the Board and all the other elements of ICANN that has made this possible.

Of course there was also the talent of George Sadovsky and is his team in the recruitment process, but I think that this element of trust was badly damaged for a few years and you have really changed this. So I wanted to underline that. And my last point is that because there is an element of renewed trust now, I think that the way forward which has been indicated by you and by Fadi id of great importance.

TORONTO

In other words, to be more issue driven, rather than structure or constituency or process driven. Sorry, process yes that's very important but not so much structure driven. So I'm looking forward to that for a new period with ICANN as a member of the ALAC. Thank you.

STEVE CROCKER: I treasured your participation on the Board and always enjoyed your erudition and depth of thinking. And so I'm quite humbled and appreciative of your comments.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Steve. And finally, one last mention, which is that of the R3 paper, which you might have heard about, making ICANN more respected. Just a few words Jean-Jacques.

JEAN-JACQUES SUBRENAT: Oh thank you for giving that opportunity. Evan and I as co-chairs of the Future Challenges Working Group have suggested to Olivier, our Chair, to send a letter to you making our White Paper, the R3 White Paper an ALAC advice. And he's been taken up by a whole lot of other things, but he promised that he would be doing this is the coming days or weeks, I suppose days. So this is just to announce this and we're very happy that it has become a White Paper. Thank you.

STEVE CROCKER: And I'm trying to remember exactly…we received it. I think we formally acknowledged receiving it although I'm a little unclear about it. Let me circle back. As a matter of form when we receive an SSAC document it

comes with a cover letter that says "we're hereby forwarding it to you". The liaison does that as a matter of form but it doesn't matter it could come from the Chair equally well.

We note it and we respond to it and feel obliged to treat it as an Action Item one way or another. And indeed even to the point of suggesting that a useful pattern would be that not only should they send us the report but they should also send the suggested actions that they want us to take so that the optimum thing is we read and say "Yes we agree with you and we'll do these actions" and we are just in the position of taking that and passing it on and saying "this is so".

It's not for me to tell you exactly how to do so but I can tell you that if you did that, if there was a kind of recorded sequence or numbered set of actions then just from a purely bureaucratic point of view it would get treated that way. And some of what we're stumbling over about getting attention would just naturally sort of be forced into getting attention.

JEAN-JACQUES SUBRENAT: That's in Olivier's hand, the draft he has. The letter to you includes some suggestions like that, between now and Beijing.

STEVE CROCKER: I don't want to impose the same structure on everything and the high point of my life was the silly trick of having numbered RFCs and I seem to keep inventing that idea and saying "well this works here and this works here". But anyway, to the extent that it resonates it will certainly get attention on our side.

OLIVIER CRÉPIN-LEBLOND: Okay well with time having already been passed by nine minutes I think it's time for us to close. And thank you very much for joining us Steve Crocker.

STEVE CROCKER: Thank you for inviting me. Thank you. It is a pleasure to be here as I anticipated it would. But now I can report based upon facts that this was – and I hope this was substantive and meaningful and not just…anyway, again.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve and I hope that we can repeat this again in next future ICANN meetings.

STEVE CROCKER: I'm available and at your disposal.

TIJANI BEN JEMAA: Two points, the first one is about Visa and I think that ALAC should write something and send it to the Board so that it will be stronger for ALAC that the Visa issue is a real issue for ALAC. Second point, for the people shadowing Cheryl. As I said the other time, it is a very important thing, we need to do it, but I have a big problem because the way it is done now isn't the right way. Why?

Because we have people who are now shadowing that came here because they was told that they can do it. But in the community there

is perhaps other people, so we have to do a call for interest for this. Second point, those people who will Cheryl, who will pay their way? Third point, if they are more than one, at the end how will you select one of them. Last point, the rules of procedure says that the liaisons are selected by ALAC.

In this case it will be compulsory that we select the one who will shadow Cheryl, so that will be after that selected or elected by ALAC. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. Alan?

ALAN GREENBERG: This isn't what I had asked for the microphone before, so I would still like that at the end. I think Cheryl's words in her original message were slightly unfortunate in that a number of people inferred from those that she would select which one would become her successor. I think that she may well make a recommendation, but it is ALAC that selects. There is no question about that. Whether the statement was made to a wide enough list is an interesting question, and maybe it needs to be made wider. I'm not as frayed as you are about how do we select. I suspect because I'm also a liaison and I have the same sort of problem, I just haven't sent the email out yet and some of the issues you raised is the reason I haven't sent the email out yet.

A liaison job requires a lot of work. A liaison apprentice is going to require a lot of work. Some people are going to say "sure" and then part way through the process say "this isn't for me, I don't have the

time. I don't have the interest. I don't have the skills" or whatever. So I'm not really worried about having two superb candidates at the end and having to choose. If the stars are all positioned properly and we are very lucky we will have that problem. I'm less worried about it at this point.

But I think the rules are absolutely crystal clear. The ALAC selects. The ALAC may have a difficult time choosing, and we may have a difficult time attracting people and catching their eye – you know how responsive our overall community is when we send a message out. If it's not something that is emotional it usually gets a zero response. If it's a request for work it usually gets almost negative response so it's so little.

So let's cross the problems, address the problems when they happen. They haven't happened yet. But let's be crystal clear that we're not changing the process, we're trying to find people to work.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Any other "other business"? Alan?

ALAN GREENBERG: What I said about David Olive before I say in spades about the staff who are in this room and any of the staff that aren't in this room right now. I think you're doing an absolutely superb job. It isn't easy and it's easy for us when we find something wrong to point it out, and I hope everyone takes that in the right context. I couldn't pull it off. I have great esteem for those who can. Thank you.

HEIDI ULLRICH: This is Heidi. If we do still have a record going on, thank you Alan very much. Staff appreciate that tremendously. It is a lot of work but again it is our absolute pleasure to serve the ALAC and the At-Large community. We're I think very proud of seeing the growth in terms of both outreach, inreach, etc, policy, quality of policy statements. When I'm writing the monthly policy updates I'm just very aware of how far you've come since I've joined and all of you.

OLIVIER CRÉPIN-LEBLOND: Thank you Heidi. Any other, other, other business? Okay before we close off I just wanted to touch off on a couple of points that Tijani made. First the Visa issue, it's not something that is just restricted to Canada; it's something that is worldwide.   It's a discussion that many people have had, Board members have had as well informally with some of us and it's something which doesn't have an immediate answer Tijani, unfortunately.

                                Visas are provided or not provided to visitors on a security basis. And in general the overall geopolitical mood at the moment is such that security surpasses everything else. And therefore it's very difficult, even for organizations such as ICANN that are very well connected with governments, to even stage an event and be absolutely assured that Visas will be provided to everyone. In the case of Canada, there was a high level GAC meeting; the government of Canada was well aware of what was going on, but somehow many people did not get Visas to get to Canada for various reasons.   And it would be the same sort of

problem in the UK. It could be the same sort of problem in France, in Germany, anywhere, in the US.

It's very difficult to find out the real reason why Visas are not being given out. The immigration agencies of all the countries are generally very opaque. And you can appeal. You might get the Visa, you might not get the Visa. It's just one of these things. I'm sure that – making a statement is one thing. Yes we can register our concern because of the fact that we do have our community scattered worldwide. But I'm not quite sure about the impact that this will bring forward, apart from actually making it even worse for some of our communities in that the only countries which will be receiving ICANN meetings, and meetings will be consolidate in a handful of countries where the majority of the world will not require Visas and yet the developing world will require Visas.

And so it will play against the developing countries that we have in our community. So I'm a little concerned about some of this. Perhaps yes, launching a discussion in At-Large on this is a thing, but I don't think we will find a solution today. Tijani.

TIJANI BEN JEMAA: Just to tell you that the impact will be at least on the new strategy for the meetings. If ICANN makes it as a condition that the country in which the meeting will be held must give facilities for the Visa. If someone has a problem for security for sure he will not be accepted. It's not the case Olivier. It is a case of not… I applied. I sent an email they require in Tunisia that you send an email to ask for a rendezvous. I asked for a rendezvous today, they give me the rendezvous one month later.

It was after when (Inaudible) told me you have to come back and tell them that ICANN and the host country have a special arrangement that they advance the rendezvous by two days. I got my Visa two days before I leave. It is the country that does that like this. So if the country accepts to give the Visa after checking the security issues I agree with you, in a reasonable time it's okay. Otherwise we don't hold a meeting there. So it is a critical point, critical criteria for holding meetings. Thank you.

OLIVIER CRÉPIN-LEBLOND: Which gives more fodder to the fact that you would have a consolidated meeting strategy where only two or three cities in the world end up having ICANN meetings. And therefore because it is a repeat basis there would be special arrangements with the government. I'm not sure this is what we wanted originally. We're going to be shut down in a second and I have somebody waiting for me for a meeting, two people waiting for me for meetings and so on, so we have to get a move on. Jean-Jacques.

JEAN-JACQUES SUBRENAT: Thanks. We don't need to be as pessimistic as you seem to indicate Olivier. The missiles of global destruction or whatever it was called allowed, that fright allowed homeland security. There is a trend for homeland security, it won't last eternally in the same way as Thatcherism will not last eternally. So it is up to us because we represent the interest of the user community, is that right Alan, that we should fight for this. And I agree with you Olivier that we should not allow this to come in the way of rotating meetings in all parts of the

world. But if we don't react on this as Tijani is suggesting we will go to that dead end.

OLIVIER CRÉPIN-LEBLOND: Okay so let's react on this. Sebastien and then close.

SEBASTIEN BACHOLLET: I completely appreciate your passion about that, just to let you know this morning when I left you I had a meeting on this subject. And I personally would like to you be involved in policy development and you say you're word, we are taking that seriously, maybe you can go to something else more important at the policy level. It will be, we will get trouble, we will still get trouble in some countries. We will still have to find some solution. What is important is that we set up some rules, and we are working on that. When I say "we" the staff is working on that.

And I really can tell you that when I left you we spent one hour on that subject in preparation for Beijing and so on. It's a well under subject all what you say it's taking care. Then it's up to you if you want to spend time on that anymore, but I suggest that let the staff try to do the right work. They listen to you. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Sebastien; thank you for coming back to see us again between your little breaks. Let's now for good, let's close this meeting. Thank you, have a safe flight home and see you all in Beijing.

[End of Transcript]